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May 29, 2002

MAY 29 2002

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Via Hand Delivery

Marlene H. Dortch, Secretary
Federal Communications Commission
The Portals
445 - 12th Street, SW
Washington, D.C. 20554

Re: Notice of Ex Parte Presentation by Broadview Networks
CC Docket Nos. 01 – 338, 96-98 and 98-147

Dear Ms. Dortch:

Pursuant to Sections 1.1206(b)(1) and (2) of the Commission's Rules we hereby submit, on behalf of Talk America ("Talk"), in the above-captioned docketed proceedings, this notice of an oral ex parte presentation made on May 28, 2002 to Rob Tanner, Christine Newcomb, Jeremy Miller, Shanti Gupta, Jerry Stanshine, Henry Thaggert and Ian Dillner of The Wireline Competition Bureau. The presentation was made by myself, Gabe Battista, Chairman, CEO and President of Talk America, and George Vinall, Executive Vice President – Business Development of Talk America. A set of talking points was distributed during the meeting; a copy is attached to this notice.

Pursuant to Sections 1.1206(b)(1) and (2) of the Commission's Rules, we submit an original and one (1) copy of this oral ex parte notification and attached talking points for inclusion in the public record of the above-referenced proceedings. Please direct any questions regarding this matter to the undersigned.

Respectfully submitted,

Heather Burnett Gold
Principal
The KDW Group LLC

Encl:

cc: Rob Tanner
Christine Newcomb
Jeremy Miller
Henry Thaggert
Ian Dillner
Shanti Gupta
Jerry Stanshine



FRAMEWORK FOR COMPETITION

May 28, 2002

Federal Communications Commission

Agenda

- ◆ About Talk America
- ◆ Benefits from UNE-P Competition
- ◆ UNE-P Entry Methodology
- ◆ OSS Systems
- ◆ UNE-P Creates Facilities Investments
- ◆ Local Switching is Necessary
- ◆ Homeland Security Policy Issues
- ◆ Conclusion

Talk America

About Talk America

- ◆ Residential Local Bundled Service Provider
- ◆ Primarily Suburban and Rural Customers (Zones 2-4)
- ◆ Facilities-based and UNE-P CLEC
- ◆ Own and Operate five Lucent 5E local/LD switches
- ◆ Use Combination of CLEC Facilities AND UNE-P as Network Strategy
- ◆ \$310 M 2002 Revenue Guidance
- ◆ 980+ Employees
- ◆ EBIDTA Positive
- ◆ Operate from Cash Flow



About Talk America (2)

- ◆ 25 UNE-P Local States
- ◆ 4,432 End Offices Served
- ◆ 15,737 NPA/NXXs Served
- ◆ 665,000 Long-distance customer lines
- ◆ 215,000 Local Bundled customer lines
- ◆ “Customer First” Service Strategy
- ◆ Price-certain Residential Service Bundles
- ◆ Simple yet explicit bill presentment
- ◆ Real-time call detail

TalkAmerica[®]

"Poster Child" Company

*Congressional
Telecom Act
Of 1996*

Talk America[®]

**Local
Residential
Choice**

Benefits from UNE-P

Competition Residential Local Choice

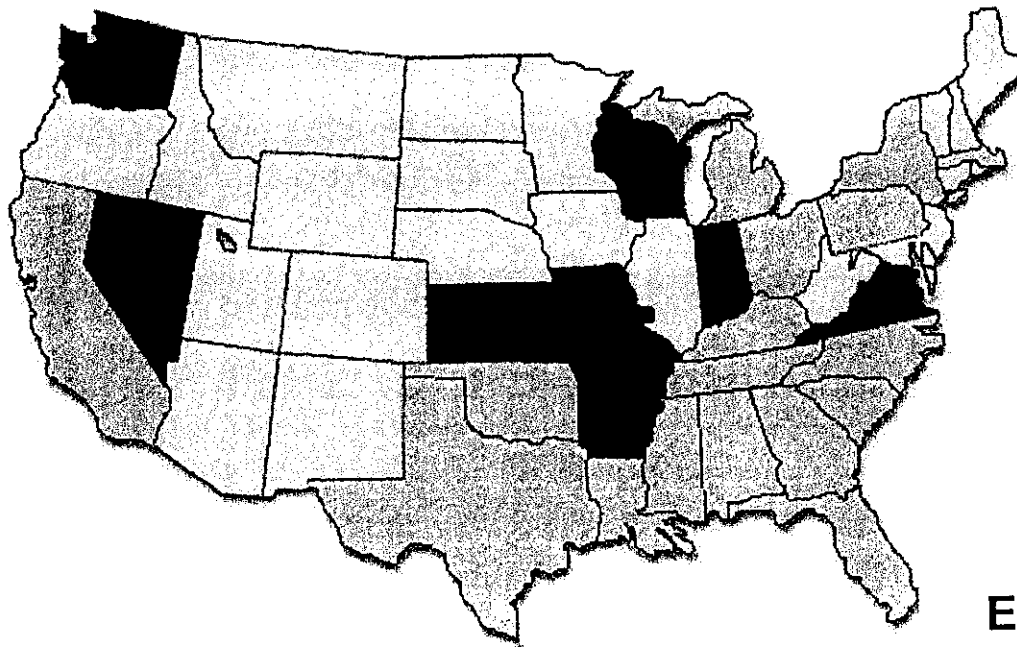
- Fulfills Congressional Intent of TA '96
- Disciplines the Monopolies
 - Improves Customer Service
 - Lowers prices
- Creates New Network Facilities
- Advances Technology Development

UNE-P Entry Methodology

1. Get Customers First;
2. Create scalable OSS back-office;
3. Innovate/Differentiate Product Offerings;
4. Build Underlying Facilities.

Customers First

- ◆ 25 Local UNE-P States
- ◆ 8 States Added in 2001



	<u>Total Lines</u>
Arkansas	1mm
Indiana	2.2mm
Kansas	1.4mm
Missouri	2.5mm
Nevada	.35mm
Virginia	3.4mm
Washington	2.3mm
Wisconsin	2mm
Existing Coverage	81mm

Total Access Lines: 96mm

Talk America

Create scalable OSS back-office

Browser

Mr. Shields

Mr. Christopher Cannon Shields
123 Maple Ave, Apt. 32B, Plainsboro, NJ 08536-2442
chris@bofh.com

0001234572

\$63.22 due on 28 May 2002

Alert
High Urgency

care

Script

★ Great! How may I help you today?

Summary **Billing** **Features** **Trouble (1)** **Notes**

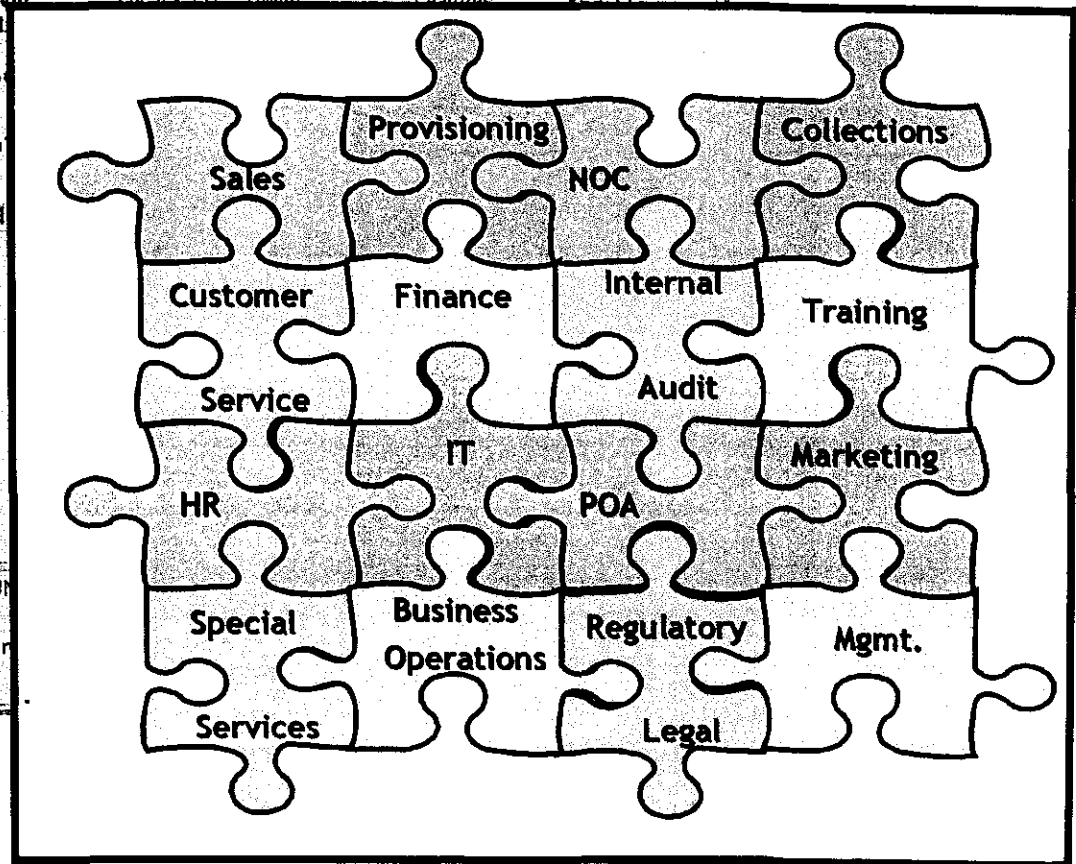
Service #	Service Name	Plan	Stage	Link to Features	Bill
★ 609-799-1212	Resident Main L	Local & L.O.	Billing	Features	\$63.22
609-799-1214	Comp				
609-799-1218	Karen				

Add New Service Cancel

Transfer To:
-- Select Representative --

End Call

Last Call: MR. SHIELDS - INBOUND
21 APR 2002 - 09:30 EST
JSMITH: Very upset that bill did not arrive 10 days prior to due date.



Innovate/Differentiate Product Offerings

Talk America: Member Self-Service - Microsoft Internet Explorer

File Edit View Favorites Tools Window Help

Back Forward Reload Home Print

Address

Talk America Welcome Christopher Cannon Shields Member Since 2001 May 14, 2002

[Logout](#)

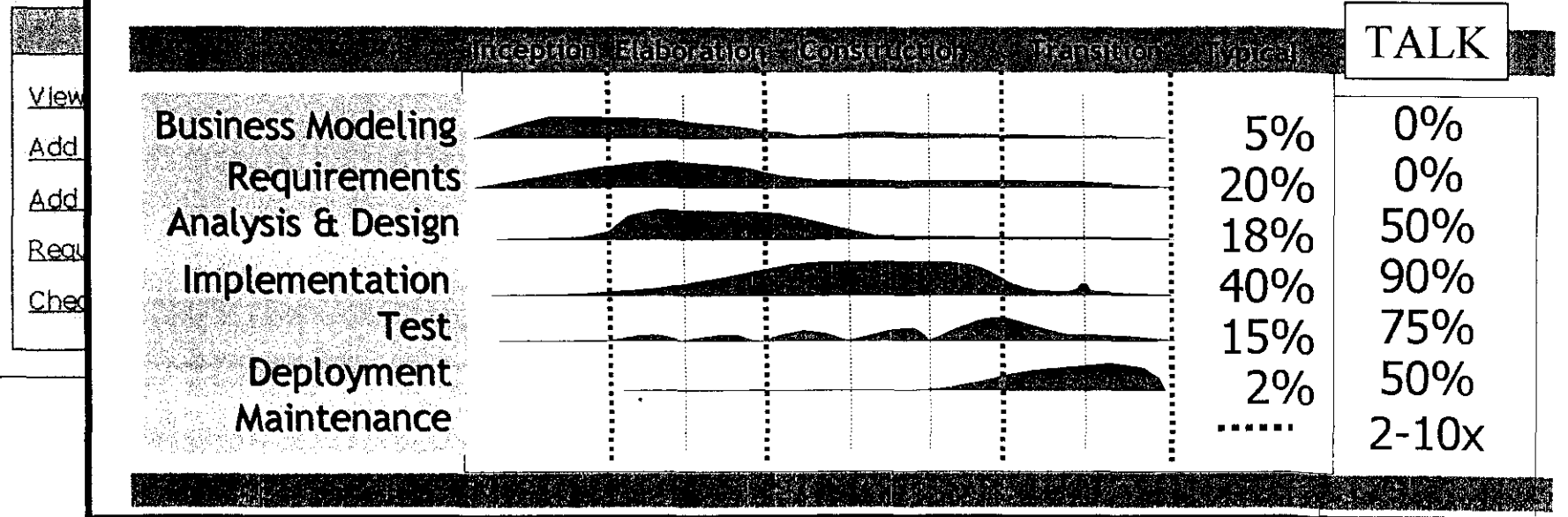
[Your Member Profile](#)

Mr. Shields:

Based on your phone usage, we estimate you may be able to:
receive a \$60 credit on your phone bill and
save as much as \$12.44 each month

[Click Here to Learn How](#)

Connected with a



UNE-P Creates Facilities

Investments

- ◆ ~~Marketplace Will Dictate Build Requirements~~
- ◆ Volumes/New Technology Will Lead Development
- ◆ Talk Evaluating Michigan Switching Costs
- ◆ Carrier Wholesale Market Developing
- ◆ 1980s ENFIA Access Discounts Led to Multiple, Redundant Long-distance Networks

Talk America

States Best Suited to Regulate UNE-P

- ◆ UNE-P is Local
- ◆ Geographic differences Exist
- ◆ ILECs Operate on State by State Basis
- ◆ Carriers Must Adhere to PSC Rules
- ◆ States Should Not be Preempted
- ◆ New York Example

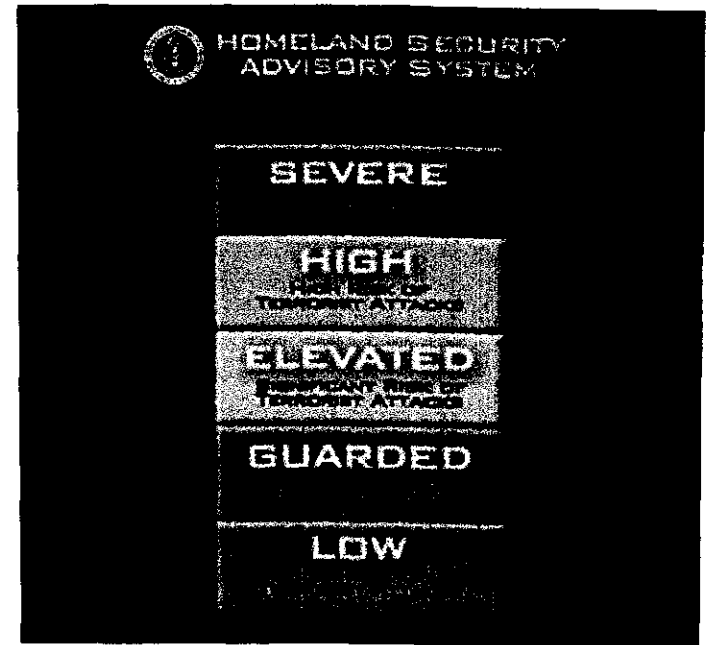
Local Switching is Necessary

- ✓ No Alternatives Available
- ✓ Wall Street Funding Not on Spec
- ✓ No Intermodal Options
- ✓ Monopolies Used Rate-Payers to Build Infrastructure
- ✓ No Competition w/o UNE-P

Homeland Security Policy

ISSUES Does Create
Redundant Facilities
Investment

- ◆ Standardized, National OSS Benefits Security Services
- ◆ Wireline Networks Underlie all Intermodal Competitors (Wireless, Satellite, Cable)



TalkAmerica

Conclusion

- ◆ UNE-P Equals Residential Competition.
- ◆ Local Switching is Necessary.
- ◆ UNE-P Creates Facilities Investments.
- ◆ Fulfills Congressional Intent of TA '96.
- ◆ Let States Regulate UNE-P